

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JESUS JOSE BENAVIDEZ-
ARMENDARIZ,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION TO
MODIFY SENTENCE AS MOOT

Case No. 2:07-CR-637 TS

Defendant came before the Court for sentencing on December 13, 2007. Defendant was sentenced to a term of imprisonment of four months. Subsequently, Defendant filed the instant Motion seeking to modify his sentence.¹ Defendant's Motion states that his attorney told him that he would be released on January 13, 2008, but Defendant later found out that he would not be released until February 4, 2008. As both dates have passed, Defendant's Motion is now moot. Further, it is the Bureau of Prisons, not the Court, that computes the amount of credit, if any,

¹Although Defendant cites no legal basis for his Motion, the Court construes it as one brought under 18 U.S.C. § 3585(b).

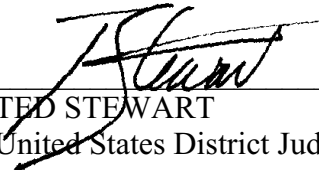
Defendant should receive for the time spent in official detention prior to the date the sentence commenced.²

It is therefore

ORDERED that Defendant's Motion to Modify Sentence (Docket No. 15) is DENIED as moot.

DATED February 12, 2008.

BY THE COURT:



TED STEWART
United States District Judge

²18 U.S.C. § 3585(b). *See also United States v. Wilson*, 503 U.S. 329, 335 (1992) (“After a district court sentences a federal offender, the Attorney General, through the BOP, has the responsibility for administering the sentence.”).